

# Exhibit 3

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

---

In the Matter of an Article 78 Proceeding

MARIO CAPOGROSSO,

Petitioner,

-against-

NEW YORK STATE DEPARTMENT OF MOTOR  
VEHICLES,

Respondent.

---

**AFFIRMATION OF  
IDA L. TRASCHEN  
IN OPPOSITION TO THE  
ORDER TO SHOW  
CAUSE**

Index No 7738/12

IDA L. TRASCHEN, hereby affirms, pursuant to CPLR 2106(e), as follows:

1. I am First Assistant Counsel in the Counsel's Office of the New York State Department of Motor Vehicles (the "DMV"). I submit this affirmation based on personal knowledge and my review of the legal files and records maintained by the DMV. This affirmation is submitted in opposition to the order to show cause presented to this Court by petitioner Mario Capogrosso, on April 12, 2012, seeking a temporary restraining order enjoining the DMV from enforcing its prohibition of petitioner from appearing at any of the DMV's Traffic Violations Bureau ("TVB") offices.

2. It is the policy of the DMV to preserve the safety and well-being of its employees and visitors. DMV needs to ensure that its facilities are free from violence, threats of violence, harassment and intimidation.

3. DMV has properly prohibited petitioner from appearing before any of the TVB offices based on DMV's concern for the safety and well-being of its employees, the attorneys who practice at the TVB and visitors, and petitioner's persistently disruptive conduct. DMV has made it clear to petitioner's attorney that if petitioner attends and satisfactorily completes an anger management program, he will be permitted to appear at any of the TVB offices, subject to

a one-year probationary period. DMV has even suggested a program to petitioner. However, petitioner has insisted that he should be able to return to the TVB offices prior to his satisfactory completion of a live anger management course.

4. As set forth in my letter dated February 8, 2012, a copy of which is annexed hereto as Exhibit A, DMV's prohibition against petitioner's appearing at TVB offices for an indeterminate time period is based on complaints from the staff of and attorneys working in the Brooklyn South TVB office of Mr. Capogrosso's disruptive conduct that posed a threat to the safety of the DMV employees, attorneys and motorists at that TVB including an incident on December 22, 2011.

5. Copies of written complaints made against petitioner including descriptions of the incident that occurred on December 22, 2011 are annexed hereto as Exhibit B.

6. Prior to petitioner's service of the order to show cause, DMV had already called the New York Bar Association's Grievance Committee to inquire about how to file a complaint against petitioner. After petitioner served the order to show cause, DMV entered into unfruitful settlement negotiations with petitioner's attorney to resolve this matter without filing such a complaint. DMV reserves the right to report petitioner to the New York Bar Association's Grievance Committee.

Dated: April 11, 2012  
Albany, NY

  
IDA L. TRASCHEN

AFFIRMATION OF SERVICE

STATE OF NEW YORK     )  
                                      ) SS.:  
COUNTY OF NEW YORK    )

**Serwat Farooq**, an attorney admitted to practice in the State of New York and an Assistant Attorney General in the office of Eric T. Schneiderman, Attorney General of the State of New York, attorney for respondent New York State Department of Motor Vehicles, affirms the following under penalty of perjury pursuant to CPLR 2106:

On April 12, 2012, she served the annexed affirmation and the accompanying memorandum of law, upon:

Jacqueline A. Rappel, Esq.  
McDonough and McDonough, LLP  
401 Franklin Avenue, Suite 210  
Garden City, New York 11530

Counsel for petitioner in the within entitled proceeding by depositing true and correct copies thereof, properly enclosed in a post-paid wrapper, in a U.S. Mail box regularly maintained by the Government of the United States at 120 Broadway, New York, New York, directed to said attorney at the addresses designated by her for that purpose.

On April 12, 2012, she also emailed a copy of the annexed affirmation and the accompanying memorandum of law upon counsel for petitioner at her email address, jackier888@hotmail.com.

Dated: New York, New York  
April 12, 2012

  
SERWAT FAROOQ

## Exhibit A



## STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

BARBARA J. FIALA  
Commissioner

NEAL W. SCHOEN  
Deputy Commissioner and Counsel

IDA L. TRASCHEN  
First Assistant Counsel  
Legal Bureau

February 8, 2012

Mr. Chris McDonough, Esq.  
McDonough & McDonough LLP  
401 Franklin Avenue, Suite 210  
Garden City, New York 11530

Re: Mario Capogrosso, Esq.

Dear Mr. McDonough:

Your letter of January 25, 2012 to Commissioner Fiala, concerning Mr. Capogrosso, has been referred to me for a response.

As the summary of events below documents, the decision to ban Mr. Capogrosso from appearing at any of our Traffic Violations Bureau ("TVB") offices was neither capricious nor arbitrary, but rather, was made in the best interests of both the agency and motorists and attorneys appearing at the TVBs.

On January 6, 2011, Supervising ALJ Vahdat received a petition signed by eighteen employees of Brooklyn South TVB, asking her to address Mr. Capogrosso's behavior. The employees stated that Mr. Capogrosso's presence on the premises of Brooklyn South TVB constituted a threat to their physical safety. They explained that Mr. Capogrosso's behavior was unstable and that he had confrontations with many TVB employees during the previous year. One incident nearly escalated to a physical altercation between Mr. Capogrosso and a TVB employee whom Mr. Capogrosso had threatened.

On January 10, 2011, Supervising ALJ Vahdat visited the Brooklyn South TVB to discuss this situation with Senior ALJ Gelbstein. He expressed concern about Mr. Capogrosso's behavior over the past year. Senior ALJ Gelbstein had previously notified the Division of Field Investigation about Mr. Capogrosso's behavior. In addition, Senior ALJ Gelbstein had a letter of complaint from George Han (a clerical employee) and a letter of complaint from an attorney whose assistant had been pushed by Mr. Capogrosso. Senior ALJ Gelbstein stated that he had spoken to Mr. Capogrosso on many occasions and asked him to exercise a calmer demeanor when dealing with the staff, other attorneys practicing at TVB and his own clients. Senior ALJ Gelbstein concluded that his many conversations with Mr. Capogrosso had not resulted in a change in Mr. Capogrosso's behavior and he continued to be concerned for his staff's safety.

On that day, Supervising ALJ Vahdat also interviewed five TVB employees who expressed deep concern for their safety when dealing with Mr. Capogrosso. One employee stated, "I can no longer interact with Mr. Capogrosso at the service counter because I fear for my safety.....he even went so far as to assault a female assistant who works for another lawyer". On that day, Supervising ALJ Vahdat also spoke with three attorneys who shared the staff's concerns for the safety of all employees and attorneys due to Mr. Capogrosso's behavior.

Following these conversations, Supervising ALJ Vahdat and Senior ALJ Gelbstein spoke to Mr. Carogrosso concerning his behavior. Mr. Capogrosso admitted that, "I sometimes lose my temper and need to blow off steam". Supervising ALJ Vahdat and Senior ALJ Gelbstein warned Mr. Capogrosso that

Mr. Chris McDonough, Esq.  
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he must conduct himself in a professional manner; otherwise he would not be allowed to practice at TVB. Mr. Capogrosso agreed to calm down and stop his abusive behavior. When Supervising ALJ Vahdat explained to him that if his behavior did not improve she would have to report him to the Grievance Committee, he stated that, "If I have any more altercations with anyone here I will just stop coming here myself".

On December 22, 2011, Supervising ALJ Vahdat received an e-mail from Danielle Calvo, SMVRI at Brooklyn South TVB, informing her that Mr. Capogrosso was screaming in the attorney's room and shouting religious slurs at attorneys of the Jewish faith. Ms. Calvo had asked all the other attorneys to step away from Mr. Capogrosso and leave him to himself. Half an hour later, Ms. Calvo called Supervising ALJ Vahdat and informed her that Mr. Capogrosso had thrown his coffee cup (still half full) at one of the other attorneys and when a third attorney had tried to calm down Mr. Capogrosso, he had thrown a punch that had missed the third attorney by about an inch. Supervising ALJ Vahdat asked Ms. Calvo to escort Mr. Capogrosso out of the building and tell him not to come back until the next day. That same day three attorneys who had witnessed this altercation called Supervising ALJ Vahdat about this incident. Their recitation of the facts matched Ms. Calvo's.

The next morning, the above mentioned three attorneys met with Supervising ALJ Vahdat and Senior ALJ Gelbstein and submitted affidavits elucidating the facts. In addition, TVB staff, the police room staff and other attorneys notified Supervising ALJ Vahdat that Mr. Capogrosso regularly punches the walls and steel poles of the TVB office with his fists. The sounds from these punches at times are so loud that the police room employees are startled and run out of the room to see what has happened. Mr. Capogrosso admitted to this odd behavior and stated, "I do it to let off steam, otherwise I could hurt someone". Supervising ALJ Vahdat observed that Mr. Capogrosso's knuckles were all bruised, black and blue. Mr. Capogrosso's behavior is clearly in contravention of 15 NYCRR 124.2, which provides, in part:

- (a) The motorist may be represented by an attorney or, in the administrative law judge's discretion, by any other person the motorist chooses. **Any person representing the motorist must conform to the standards of conduct required of attorneys appearing before State courts, and failure to conform to these standards will be grounds for declining to permit his or her continued appearance in the proceeding. (Emphasis added.)**

Based upon this regulation and the fact that Mr. Capogrosso's behavior is disruptive of the TVB process and induces fear in its employees, attorneys and motorists who work at and use the TVB, a decision was made to ban Mr. Capogrosso from all TVB offices for an indeterminate time period.

It is the policy of the New York State Department of Motor Vehicles to preserve the safety and well-being of its employees and visitors. DMV will strive to ensure that its workplace is free from violence, threats of violence, harassment and intimidation. Until such time that it can be determined that Mr. Capogrosso is no longer a threat to the safety and well-being of TVB employees and visitors, he will not be allowed to practice at any of Department of Motor Vehicles' TVB offices.

I trust this information assists you.

Very truly yours,



Ida L. Traschen  
First Assistant Counsel

ILT/mjs

## Exhibit B

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03/02/2012 13:11 1718-266-7478

QUEENS NORTH TVB  
BROOKLYN SOUTH

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I am writing in regards to Mario Capogrosso. On Dec 21, 2011, I was sitting on one of the benches in the attorney's room at the Traffic Violations Bureau at the DMV in Coney Island, Brooklyn. Mr. Capogrosso walked in and went to reach for his briefcase which was lying on the floor next to me. Mr. Capogrosso then said "excuse me" so I could move over so he could get to his briefcase. He already had plenty of room but regardless I shifted my body so he would have even more room to reach for his belongings. He said excuse me a second time as if to tell me I should move over more and that he needed more space even though the bag was next to me and I was not in any way blocking access. Frustrated I told him that he had enough room. Mr. Capogrosso then lashed out on me and said he was being nice by saying excuse me and that next time he would simply "hit me" with his briefcase and not say anything. He then proceeded to tell me that next time I see him I "better get out of his way." I ignored him and went on with my work. Moments later he comes in to the room again still frustrated from the first episode. At this time there were three other attorneys in the room. Mr. Capogrosso took a seat across from me and began to complain how I did not give him enough room when he said excuse me. I continued to ignore him and go on with my work. Eager to show how angry he really was, he took his coffee cup which still had some coffee inside and threw it in my direction toward the garbage can that was next to me. The cup came very close to me and did not even land inside the garbage. I complained to Mr. Capogrosso that this was not civilized behavior and I did nothing to warrant such hostility. Enraged Mr. Capogrosso went on a rant on how I was a "jew fucking cunt" a phrase which he repeated about six or seven times. He went on to say how this place was "run by jews." When I protested to how he could use such language, he stated "what do you care, just call me a fucking Italian ginny." I then told Mr. Capogrosso that he was an anti-Semite and he did not belong in the location.

  
Yaakov Brody

There were four attorneys sitting in the room when Mario Capagrosso entered: Sadiq Tahir, Yakov Brody, Michael Beer, and myself.

The room is very small; lawyers generally show each other courtesy upon entering or leaving. The room has to accommodate up to a dozen attorneys, their briefcases and overcoats, and the occasional client, so the comportment in the room itself is always gentlemanly of necessity.

When Mr. Capagrosso entered he asked Mr. Brody to move so he could sit. Mr. Brody did his best to reasonably comply with this request. The bench contained the belongings of other attorneys and Brody in fact tried to make more room so that Capagrosso could sit. (Besides the fact that upon Capagrosso's entrance there were four adult males there were also briefcases, files, jackets, and bags full of food and various sundries. Brody not only tried to make room where he was sitting; he moved other files and items to make room to accommodate Capagrosso.)

Far from acknowledging Mr. Brody's attempt to show him courtesy Capagrosso grumbled about Mr. Brody's lack of decorum and began to berate Brody. This was both puzzling and unreasonable because it seemed that Brody was, in fact, making every attempt to accommodate Capagrosso.

Capagrosso then began to inveigh against Brody in vituperative terms as his temper continued to rise beyond all reason given the fact Brody was extending courtesy to him, by now, under duress. Capagrosso's anger escalated unreasonably to the point his remarks became intensely personal, directed at Brody, his person, and his culture, his ethnicity, and his very humanity; the tone quickly approached the intensity of "fighting words". Nothing Brody did or said during Capagrosso's verbal attack was in any way provocative or confrontational. Everyone in the room except Capagrosso seemed to understand he was losing self-control for no reason.

Mr. Brody, upon being inveighed against for no other reason than Capagrosso's own foul mood, which had escalated to a viciousness and *ad hominem* nature, did speak out strongly when Capagrosso referred to him as a "fucking Jew cunt". Michael Beer and Brody both spoke up to demand that Capagrosso refrain from using provocative and hate filled speech directed at Brody's culture and religion. Beer told him flatly that he had crossed a line of decency, and that it wasn't the first time he had done so. Capagrosso by this time was completely out of control, and responded that he had every right to use such language. He expressed the belief that the DMV was in fact run by "fucking Jew cunts." He also went so far as to invite Brody and Beer to refer to him by a slur-adjective aimed at his *own* ethnicity. Neither indulged him his request.

During his angry tirade Mr. Capagrosso also threw a coffee cup he held in his hand across the space in which Brody seat, which may or may not have splattered Brody with the remnants of the coffee's cup. The hate speech, the demeanor, the verbal ejaculations were all, it seemed to me, attempts to humiliate and intimidate Mr. Brody, who had done absolutely nothing more than to try to make room for Capagrosso in a room that is, under the best of circumstances, only large enough to accommodate two or three people.

Richard F. Maher  
RFM

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This is in reference to the incident happened on Dec. 27, 11. Mr. Jackov Brody was sitting on the bench in lawyer's room. Mr. Copogrosso walked in the room and said "excuse me". Mr. Brody moved to the side so that Mr. Copogrosso could reach to his bag lying on the floor. He was looking so angry that he again said "excuse me" in a loud voice. Mr. Brody said you have enough room, why are you so rude. Mr. Copogrosso got so upset that he started shouting against Jews. Mr. Beer who also sitting in the room asked Mr. Copogrosso that - it is enough you can't curse Jew. Mr. Copogrosso said you can call me fucking Italian giving. Mr. Brody said that - you are anti-semitic you don't belong to this place. Mr. Brody shouted that - stop it - in the mean time Ms. Daniel came in the room and tried to cool down the situation.

Little later Mr. Meyers came in the room and asked Mr. Copogrosso that he should apologize for his remarks, he then tried to hit - Mr. Meyers. I don't know if he wanted to hit Mr. Meyers or give some message to other people. Mr. Copogrosso said to Mr. Meyers that I will send you to the hospital. Mr. Meyers said I will not report against you, I will sue you and get every penny you have. Mr. Copogrosso went out of the room and started hitting the wall and steel guards.

M. Sadiq Tahir

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BROOKLYN SOUTH

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Phone (718) 996-4705 Cell (347) 733-6447

## *Jeffrey A. Meyers Attorney at Law*

8855 Bay Parkway, Suit 9E

Brooklyn, NY, 11214

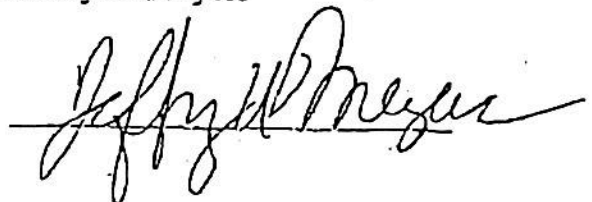
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December 23<sup>rd</sup>, 2011

In the A.M of the day of December 21<sup>st</sup>, 2011, I overheard a loud commotion which I was told resulted in a tirade of anti-Semitic slurs shouted by Mr. Mario Capogrosso. I later implored Mr. Capogrosso to apologize and and to make peace with his fellow attorneys, but to no avail, his conduct the rest of the day was one of abrasive incoherent loud mutterings in which he smashed his fist against concrete walls and steel beams that are situated outside the DMV hearing rooms, coupled with more anti- Semitic comments, he kept saying "everyone here wants to fight me".

At about 2 o'clock that day I was sitting in the lawyers room across from Mr. Capogrosso not engaging in any conversation with him when he suddenly became enraged and lunged at me with his fists with great speed and then smacked his fists against his other hand in a marshal arts form coming within 12 inches of my face. Claiming "I could put you in the hospital with just one punch, i could hit hard objects with my fists without hurting my hands. His eyes were filled with mindless rage. I loudly exclaimed as his fists flew close at various times" stop Mario, its me Jeffrey I'm your friend" I'll have to sue you if you put me in the hospital. "He kept repeating the phrase " you people, you people". He later told me that he envisioned all of us (Jews) and didn't mean to single me out during his assault on me. I didn't report the incident immediately until I was called in to the office after an eye witness attorney reported it first and I was asked to verify it.

Jeffrey A. Meyers



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BROOKLYN SOUTH

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1-30-12  
MOTORIST  
CAME IN  
TO COMPLAINT  
HE RAN FULL

Criminal Traffic

12/22/11

Mario H. Capogrosso, Esq.  
Attorney at Law

245 Saw Mill River Road, Suite 108  
Hawthorne, NY 10532

914-808-3692  
Assistant: 914-808-3698

917-238  
-5326

DEPARTMENT OF MOTOR VEHICLES  
TRAFFIC VIOLATIONS DIVISION  
BKLYN S TUB

TIME 12:44 PM

DATE 06/30/11

NAME: JESUS G JACOBO, JR  
DOB/SEX: REDACTED M

YOU HAVE BEEN SCHEDULED TO APPEAR FOR THE FOLLOWING TICKET(S):

TICKET INFO	STATUS	ON DATE	AT TIME	AT LOCATION
AAR6470041 06/20/11 FLD YIELD ROW TO PED		12/22/11	1:00 PM	BKLYN S TUB 2075 WEST 8TH STREET BROOKLYN, NEW YORK 11224

AAR647004  
PD 40 rps  
T-700 10  
PD 60  
Owe 40  
6/30/11

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QUEENS NORTH TVB

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TO JUDGE ALAN G. STEIN  
FROM ROY TUCCI, CLERK.

INCIDENT 3/3/11 910 RM 3

MARIO CAPPAGROSSO ATTY JUDGE DREW TILLMAN  
Clerk Roy Tucci

AT 910 AM MR CAPPAGROSSO Presented Ticket For Rakesh K. SHARMA, Ticket Marked Ready with office McGrath.  
AT 925 AM CASES PENDING called MR CAPPAGROSSO AND MR GERBASI ATTORNEYS were notified that the Hearings was Ready. MR Gerbasi was in a hearing in Rm 4, AND indicated he would be in Rm 3 AS SOON AS POSSIBLE. 930 AM MR GERBASI Hearing Began. I went to Rm 6 AND ADVISED Wanda Alford clerk AND MR CAPPAGROSSO that his case is Ready. MR CAPPAGROSSO just stared AND DID NOT SAY anything. AT 945 AM I called Traffic Violation Hearings AND detailed the Problem. AT 952 AM MR CAPPAGROSSO came into the Rm with Another CASE with OFFICER MALONE. AND SAID we have to do this case. MR CAPPAGROSSO was informed since 925 AM He was personally called three times AND DID NOT HAVE the Time to ADVISE us WHAT WAS the Delay. MR CAPPAGROSSO only Response WAS A BLANK STARE. AND IF we HAVE A Problem, inform the SENIOR JUDGE. MR CAPPAGROSSO ATTITUDE is that he will NOT take Any Direction FROM A CLERK, JUDGE OR SENIOR JUDGE

Sincerely,  
Roy Tucci

1/6/11

We the undersigned clerks, supervisors, and judges of Brooklyn South Traffic Violations Bureau state that we feel the presence of attorney Mario Capogrosso on our premises constitutes a threat to our physical safety. We believe that Mr. Capogrosso's behavior is unstable and hereby state that he has gotten into confrontations with many of us in the past years. These confrontations have been escalating to the point of where a physical confrontation has nearly ensued between him and a Brooklyn South employee on January 5, 2011 after close of business. We request that Mr. Capogrosso's behavior be dealt with and that the management of this agency alleviates this threat to our physical safety.

Danielle J. Colas	
Robert J. Ferrell	
Mr. [Signature]	
Mr. [Signature]	
Mr. [Signature]	
Lucy Cali	
Marcos Corvoni	
Wladimir [Signature]	
Kimberly Rivers	
Mr. [Signature]	
Mr. [Signature]	
Ray Jucari	
Gerri Paparo	
Betty [Signature]	
Joe [Signature]	
Michael [Signature]	
Elias [Signature]	
Wanda [Signature]	

\* was signed by all 3 Supervisors, 1 Judge, and 14 out of 17 clerks. The 3 clerks that didn't sign was [Signature]

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BROOKLYN SOUTH

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9/28/2010

I Jason Dorset State  
 That Mario Colagrossi  
 was NOT Authorized to  
 Proceed on my Behalf  
 on the Above Dates on  
 Summons # AAK 5507913 & AAK 5507902

Sworn Before me  
 this 28th Day of September 2010  
 Jason Dorset

G. B.  
 PIERRE BAZILE ESQ.

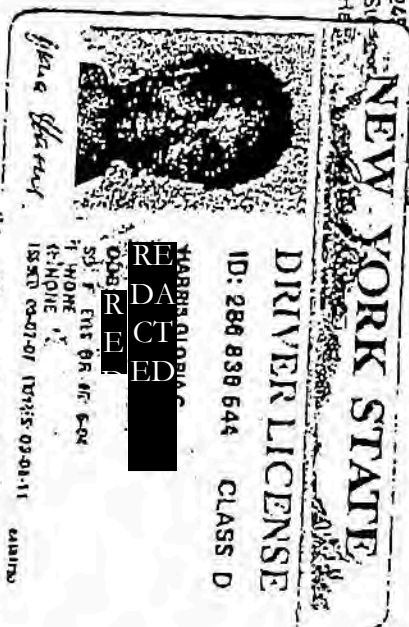
Pierre Bazile  
 Notary Public, State of New York  
 Qualified in Suffolk County  
 Reg. #025A8177988  
 Commission Expires November 18, 2011

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QUEENS NORTH TVB  
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*Complained  
on  
8/19/09  
Motorist Never  
Notified OF TRIAL*



MARIO H. CAPOGROSSO, esq.  
Attorney at Law

*2/18/09 @ 5:40  
J.M.H. Petrus*

*AAH 0172990  
2933  
F.A. H.  
T.A. 250  
PD 251  
2/13/09*

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QUEENS NORTH TVB  
BROOKLYN SOUTH

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Diantha L. Fuller, Esq.  
REDACTED

August 5, 2009

New York City Traffic Violations Bureau ("TVB") – Coney Island Location  
Attn: Senior Judge Alan D. Gelbstein  
Re: Marlo Cappigrosso Incident Report 7/31/09

Hand Delivered

Dear Judge:

As requested by your staff, below is Agnes Pacz's report of the events that transpired on 7/31/09 in the Coney Island Traffic Bureau which I took directly from an email she submitted to me:

*I, Agnes was speaking with a client on behalf of Diantha Fuller when I was abruptly approached by Mr. Marlo Cappigrosso. He then stood in front of me, and told Ms. Fuller's client that I was not a lawyer and he should not be speaking to me. He then handed my client his business card. The client did, in fact, know that I was not an attorney and was shocked at Mr. Cappigrosso's behavior.*

*Mr. Cappigrosso then turned to me and called me a variety of vulgar and profane names and threatened me with violence to stay away from the Dept. of Motor Vehicles. He then told his Paralegal, Michael, that he should follow me around and harass every client that approached me.*

*Finally, Mr. Cappigrosso told me stay away from him in a very violent manner, towering over me and spoke so loudly and in a threatening manner that a plain clothes policeman standing next to me asked if he needed to get involved. One of the clerks behind the counter then intervened and sternly asked him to behave because Mr. Cappigrosso was so frightening, not only to me, but to everyone around him.*

*I was especially nervous because I am 6 months pregnant and I was in fear his outbursts would turn violent.*

Should you need any additional information regarding this matter or if you have any questions, please feel free to contact the undersigned.

Regards,

  
Diantha Fuller, Esq.



## Traffic Violations Bureau

June 19, 2009

From: Marisol Cervoni  
To: Alan Gelbstéin  
Subject: Mr. Capogrosso

On Tuesday June 9, 2009 at approximately 9:45 AM I called the next customer to my counter. The motorist was accompanied by Michael, who is the assistant of Mr. Capogrosso, who is one of the lawyers who represents motorists at their hearings here at Brooklyn South. The motorist handed me her drivers' license and as I was manufacturing a substitute ticket for the motorist, Michael called Mr. Capogrosso over to my window. Mr. Capogrosso, thinking there was a problem approached my counter and aggressively and belligerently began yelling at me. I assured him that there was no problem and that I had already printed the ticket for his client, but at that point he was already out of control and continued yelling, cursing and insulting me. The supervisors, Geri, Danielle and John all came out to see what the commotion was and to resolve the situation, but he refused to listen to reason or leave my counter. I then went into the back office because I felt threatened and was afraid for my safety. Finally one of the supervisors calmed him down and he moved away from my counter. Throughout the day Mr. Capogrosso was taunting me. He would walk past my station making comments and smirking at me.

I can no longer interact with Mr. Capogrosso at the service counter because I fear for my safety. On many occasions I have observed him display his aggressive behavior towards my co-workers, his clients, the other attorneys and their assistants. He even went so far as to assault a female assistant who works for another lawyer.

His aggressive behavior has steadily progressed within the past few months. I no longer feel comfortable at my place of employment because of this individual's behavior and I wish to go on record in the event of any future conflicts.

Marisol Cervoni

A handwritten signature in black ink that reads "Marisol Cervoni". The signature is written in a cursive style with a large, stylized "M" and "C".

Cc: John Vetere  
Danielle Calvo  
Geri Piparo

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QUEENS NORTH TVB

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BROOKLYN SOUTH

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To: Judge Gelbstein

Re: Incident report (TVB)

On Tuesday, April 24, 2009 at approximately 10:25A, I was at my work station (#1) when I observed and heard Mr. Capogrosso, screaming and yelling profanities and obscenities at Ms. Rabinovich (Tanya). At this time Mr. Capogrosso is sitting down. I observed him get up from his seat and approach Ms. Rabinovich (walking fast and hard toward her) when he bumped rear hard into her as he tried to pass by her. (Which was very unnecessary - given he had plenty of room to walk around her.) I noticed she was very shaken by his actions.

This is the end of my statement

L. Perez Jr

MLR

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BROOKLYN SOUTH

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04.21.09

JUDGE GELBSTEIN

DEAR SIR,

ON TUESDAY, APRIL 21, 2009 WHILE WORKING  
THE CASHIERS WINDOW, STATION BS24 I HEARD A LOUD  
VOICE FROM THE LAWYERS AREA. I LOOKED UP AND  
SAW MR CAPOGROSSO, Esq. SEATED ON THE BENCH  
STATING "GET AWAY FROM HERE." HE THEN ROSE AND  
TOLD "TANYA the interpreter." TO GET AWAY. MR  
CAPOGROSSO MOVED TOWARD TANYA, AND THEY SEEM  
TO BUMP. THE NOISE CONTINUED UNTIL OUR  
SUPERVISOR DANIELLE CALVO INTERVENED

Sincerely,

Roy Jucci

Roy Tucci

CLARK

CC. J. Vetere